



Appeal Decision

Site visit made on 5 September 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2023

Appeal Ref: APP/P0240/W/23/3316227

The Queens Head Public House, The Lane, Tebworth, Bedfordshire, LU7 9QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martyn Murphy of MGM Hotels Ltd. against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/03164/FULL, dated 29 July 2022, was refused by notice dated 12 January 2023.
 - The development proposed is the retrospective retention of weather shelter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the development was substantially complete and I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on highway safety with particular regard to access.

Reasons

4. The appeal proposal relates to a weather shelter that has been constructed to the front of the Queens Head, which is a public house. The Queens Head is located on the Lane, close to Toddington Road/Hockliffe Road. There is a car park to the rear of the pub which is accessed to the side, the weather shelter is located immediately to the front of the pub.
5. The weather shelter is a mostly glazed structure which in isolation could allow some visibility through it. However, only the top section of the shelter is clear glass with the rest being obscure. The low picket fence and furniture within the shelter also restricts visibility through the clear glass.
6. The shelter abuts the Lane and as such, patrons exiting the car park to the side would have their view blocked when looking towards the Lane. Drivers would need to edge into the road to be able to view anything coming in this direction which would be dangerous to other motorists.
7. There is also a footpath to the front of the appeal site and while I note the appellant's comments of its informal nature it is formally marked and there is no evidence to suggest it is not used as such. I acknowledge that pedestrians would take a degree of caution whilst using the footpath, however, the shelter

would obstruct views of the junction into the pub car park for pedestrians walking towards the pub from the Lane. As such, pedestrians may not expect the entrance to the car park to be there and cars edging into the road would come as a surprise.

8. The appellant references the Manual for Streets 2 (MfS2), in particular, the summary that a reduction in visibility below recommended levels will not necessarily lead to a significant problem. In this case however, I have not been provided with the recommended visibility levels nor any technical evidence to demonstrate that this is the case for the proposal. I therefore cannot be sure that the proposal provides sufficient visibility that would not be detrimental to highway safety.
9. I appreciate that the road traffic accident statistics from Crash Map indicate that there have been no accidents in this location in the last three years. It is not clear what data is held by Crash Map and how this is reported, but I accept that the absence of reported accidents indicates a reasonable safety record at the appeal site. However, the absence of any reported incidences does not demonstrate that the weather shelter would not be detrimental to highway safety in the future.
10. I therefore find that the proposal would harm highway safety with particular regard to access. It would be contrary to policies HQ1 and T2 of the Central Bedfordshire Local Plan 2015-2035. Amongst other things, these seek to ensure that development meets the needs of all street users and does not impede the free flow of traffic on the existing network or create hazards to that traffic and other road users.
11. I have also had regard to guidance contained within the Highway Construction Standards & Specifications Guidance July 2019.

Other Matters

12. The weather shelter was constructed as a result of Covid regulations, and I note the appellant's comments that it is a useful and popular space used by patrons which supports the economic function of the public house. I also note some of the support locally. However, there is little substantive evidence to demonstrate the retention of the shelter is the only way to keep the public house open and as such I only attach limited weight to these matters.
13. The Council have found the proposal to not harm the character and appearance of the area and I have no substantive evidence to conclude otherwise, however this is a neutral matter that does not outweigh the harm I have identified.
14. I also note that the land has been used for outdoor seating previously, however these would not have obstructed visibility to the same degree as the more substantial weather shelter.
15. I note that the land not within the ownership or control of the appellant which they accept. However, there is no detailed or definitive evidence presented to demonstrate from the Council to show this to be the case, in any event for the purposes of the assessment the proposal, matters related to the ownership of the land would be separate to and would not ultimately influence the assessment of the planning merits of the proposal.

Conclusion

16. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR